

**CITY OF COVINGTON, KENTUCKY
LEGISLATIVE MEETING
BOARD OF COMMISSIONERS
TUESDAY, DECEMBER 18, 2012 6:00 P.M.**

AGENDA

CALL TO ORDER: Mayor Chuck Scheper

PRAYER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL

Reading of Minutes of the meeting of December 4, 2012 (or motion to dispense with reading and approve minutes).

Public Hearing: City application to HUD for Section 108 funds. *The Section 108 is the loan guarantee provision of the Community Development Block Grant program. Section 108 provides entitlement communities with a source of financing for economic development, housing rehabilitation, public facilities, and large-scale physical development project. The City, as an entitlement community may apply for up to five times the public entity's latest approved CDBG entitlement amount, minus any outstanding Section 108 commitments and/or principal balances of Section 108 loans. The City will make one application to HUD for Section 108 funds totaling \$4 million.*

PRESENTATIONS:

- Mayor's Challenge to Covington's Youth – Project Recognition
The Covington Alternative Program – Why Fly South? Kentucky Birds
9th District Elementary – “Hit the Books” Scholarship Fund
- Police Officers' Recognition – Chief Spike Jones
Chief Jones will be recognizing the following Police Officers for outstanding service:
Sgt. Kevin Brady, Sgt. Brian Steffen, Specialist Mark Richardson, and Officer Michael Gilliland

ITEMS FOR CONSIDERATION:

OLD BUSINESS – SECOND READING OF ORDINANCES

1. Consider Ordinance No. O-53-12 entitled: **AN ORDINANCE ESTABLISHING MEETING DATES FOR THE 2013 BOARD OF COMMISSION LEGISLATIVE MEETINGS.** *This ordinance establishes the following dates for the regular meetings for calendar year 2013: January 15 & 29; February 12 & 26; March 12 & 26; April 9 & 23; May 7 & 21; June 11, 25 & 27; July 9 & 23; August 6 & 20; September 10 & 24; October 8 & 22; November 5 & 19; and December 3 & 17, 2013.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Second Reading of Ordinance

2. Consider Ordinance No. O-54-12 entitled: **AN ORDINANCE ESTABLISHING QUARTERLY BOARD OF COMMISSION WORKING SESSION MEETINGS FOR 2013.** *This ordinance establishes the following dates for quarterly working session meetings: February 21, May 16, August 15, and October 17, 2013. These meetings will provide a forum for the Covington City Commission and City staff to discuss and brainstorm priorities, projects, and strategies, and new ideas in a working session environment.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Second Reading of Ordinance

3. Consider Ordinance No. O-55-12 entitled: **AN ORDINANCE ESTABLISHING QUARTERLY BOARD OF COMMISSION “MEET ‘N GREET” MEETINGS FOR 2013.** *This ordinance establishes the following dates for quarterly “Meet ‘n Greet” meetings: January 24, April 18, July 18, and November 14, 2013. These meetings will provide an informal forum for residents and businesses to meet their City elected officials and Department Directors one on one and exchange information, ideas, and questions.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve Second Reading of Ordinance

4. Consider Ordinance No. O-56-12 entitled: **AN ORDINANCE ESTABLISHING THE COVINGTON RECREATION IMPROVEMENT FOUNDATION AS A KENTUCKY NON-PROFIT CORPORATION ORGANIZED FOR THE PURPOSE OF SUPPORTING THE CITY IN IMPROVING AND REVITALIZING LOCAL PARKS AND OUTDOOR RECREATION FACILITIES TO PROMOTE LEISURE, PHYSICAL ACTIVITY, AND SOCIAL INTERACTION.** *By establishing this foundation, City staff, along with key community partners appointed to the committee to govern the foundation, will have a vehicle to apply for grant funding specifically available to non-profits. The foundation committee will make key recommendations to City Commission on opportunities for partnerships related to recreation and health initiatives.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve Reading of Ordinance

5. Consider Ordinance No. O-57-12 entitled: **AN ORDINANCE AMENDING ORDINANCE O-39-12 OF THE COVINGTON CODE OF ORDINANCES, NON-UNIFORMED, NON-CIVIL SERVICE EMPLOYEES CREATING THE POSITION OF CODE ENFORCEMENT SUPERVISOR.** *This position combines the management of two full-time inspectors and four part-time inspectors with project management of City infrastructure and park projects and the position of building inspector for the city's Rental Inspection Program. Along with prioritizing and monitoring work schedules for the full-time and part-time inspectors, responsibilities will include management of infrastructure/park projects from start to finish, field enforcement of housing, property maintenance, and building codes; inspection of existing building and structures to determine compliance with the adopted codes, determination of violations relative to housing and building codes and preparation of concise, narrative reports, and giving testimony at appeals hearing and court actions.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve Second Reading of Ordinance

NEW BUSINESS – FIRST READING OF ORDINANCES

6. Consider Ordinance No. O-57-12 entitled: **AN ORDINANCE OF THE CITY OF COVINGTON, KENTUCKY (THE "CITY") MAKING CERTAIN FINDINGS CONCERNING AND ESTABLISHING A DEVELOPMENT AREA FOR ECONOMIC DEVELOPMENT PURPOSES WITHIN THE CITY TO BE KNOWN AS THE CITY CENTER COVINGTON DEVELOPMENT AREA; APPROVING A LOCAL PARTICIPATION AGREEMENT BETWEEN THE CITY, THE COUNTY OF KENTON, KENTUCKY, SPECIAL TAXING DISTRICTS, AND THE COVINGTON ECONOMIC DEVELOPMENT AUTHORITY, INC., ESTABLISHING AN INCREMENTAL TAX SPECIAL FUND FOR PAYMENT OF PROJECT COSTS AND REDEVELOPMENT ASSISTANCE; DESIGNATING THE COVINGTON ECONOMIC DEVELOPMENT AUTHORITY, INC. AS THE AGENCY RESPONSIBLE FOR OVERSIGHT, ADMINISTRATION AND IMPLEMENTATION OF THE DEVELOPMENT AREA; AUTHORIZING THE MAYOR AND OTHER OFFICIALS TO TAKE SUCH OTHER APPROPRIATE ACTIONS AS ARE NECESSARY OR REQUIRED IN CONNECTION WITH THE ESTABLISHMENT OF THE DEVELOPMENT AREA.** *The City of Covington is undertaking the creation of a Tax Increment Financing (TIF) District. Tax increment financing is a financing and development tool that permits local governments to capture future increase in property and other taxes generated by new development within a specified development area. The captured value of the increase in tax revenues is used to attract private development or to finance public improvements for economic development projects in the Development Area, as identified in the approved Development Plan.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: First Reading of Ordinance

7. Consider Ordinance No. O-58-12 entitled: **AN ORDINANCE AMENDING ORDINANCE O-40-12 OF THE COVINGTON CODE OF ORDINANCES, THAT PROVIDES JOB TITLES AND SALARIES OF EMPLOYEES OF THE CITY OF COVINGTON WHOSE POSITIONS ARE NOT REPRESENTED BY ANY UNION.** *Two part-time positions, Business Development Intern and Code Enforcement Officer and the full-time position of Code Enforcement Supervisor are being added along with the salary for the GIS Specialist/Project Manager.*

Staff Reporting: Larisa Sims

Recommendation: First Reading of Ordinance

8. Consider Ordinance No. O-59-12 entitled: **AN ORDINANCE READOPTING THE CITY OF COVINGTON CODE OF ORDINANCES, 1984 EDITION, TO INCLUDE THE 2012 S-23 SUPPLEMENT AND ALL PREVIOUSLY ADOPTED SUPPLEMENTS.** *This ordinance is necessary for the codification of legislation enacted the first six months of 2012.*

Staff Reporting: Larry Klein, City Manager

Recommendation: First Reading of Ordinance

NEW BUSINESS – ORDER/RESOLUTIONS

9. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF DAN MATHEW AS FIRE CHIEF OF THE COVINGTON FIRE DEPARTMENT, EFFECTIVE DECEMBER 18, 2012.** *The position of Fire Chief has been vacant since August 2012 with the retirement of Chief Norris. During that interim period, EMS Director Dan Mathew has been serving as Acting Fire Chief. The open position was advertised for several weeks in September. Internal and external candidates applied including Acting Fire Chief Mathew. Interviews were conducted by staff and City Commission. Based on the applications and numerous interviews, Dan Mathew emerged as the best candidate. He has been with the Covington Fire Department since 1996. Most recently he served as EMS Director, responsible for the programmatic requirements for all emergency medical services in the Department, which accounts for 76% of the activity in the Department, with a corps of 25 full time paramedics and the balance of the Department all certified as Emergency Medical Technicians. Dan has articulated a clear and progressive vision for the Department.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve the Order/Resolution appointing Dan Mathew as Fire Chief based upon his qualifications, experience, and vision for the Department.

10. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH GATEWAY COMMUNITY AND TECHNICAL COLLEGE FOR THE PURCHASE OF CITY-OWNED PROPERTY.** *This Memorandum of Understanding will allow the City to negotiate and execute an agreement with Gateway Community and Technical College their purchase of a City owned parking lot that serves the former Dressman Health Center building, now the Emergency Cold Shelter, which is owned by the Kenton County Fiscal Court. The agreement will allow Gateway Community and Technical College to acquire the building and parking lot for use with their Urban Campus in Covington.*

Staff Reporting: Frank Warnock, City Solicitor

Recommendation: Approve the Order/Resolution

11. **Approval of Lease – FEW**

12. **Approval of Lease – FEW**

13. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS TO GRANT A REVOCABLE LICENSE ON BEHALF OF THE CITY TO EAST ROW LOFTS, LLC RELATED TO A PARCEL OF CITY-OWNED PROPERTY ABUTTING 203-211 WEST PIKE STREET, SUBJECT TO CONDITIONS.** *The revocable license would allow East Row Lofts LLC to restrict parking in the City-owned lot in exchange for agreeing to maintain the lot and grant the City an easement along the 8th Street side of the property to install a new sidewalk and street trees. The City also is planning to close the access to this parking area from the Pike Street side by extending the sidewalk and installing new landscaping an ornamental fencing to improve the aesthetics of the area.*

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution granting a revocable license.

14. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND THE CITY MANAGER TO ENTER INTO AN AGREEMENT GRANTING DUKE ENERGY KENTUCKY, INC. AN EASEMENT ON THE CITY'S RIGHT-OF-WAY LOCATED NEAR 102 WEST 5TH STREET.** *Duke*

Energy needs an easement in this location in order to remove a head guy attachment and install a new down guy and anchor to support electric pole K51-2007E. The request for this change was made by the property owner at 48 West 5th Street so that he can adequately maintain the side of his building.

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution granting an easement to Duke Energy.

15. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXERCISE AN OPTION TO PURCHASE 619-629 MADISON AVENUE, COMMONLY KNOWN AS THE “MUTUAL BUILDING”.** *The City entered into an Exclusive Option to Purchase agreement with Lonnie Hudson on August 6, 2012, which will expire on December 24, 2012. The City wishes to purchase the property to develop the building and create a useable space for the community.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve the Order/Resolution

16. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING A DEVELOPMENT AGREEMENT WITH THE SALYERS GROUP AND THE APARIUM HOTEL GROUP AND ANY OF THEIR RELATED ENTITIES, AND THE CITY OF COVINGTON, FOR A BOUTIQUE HOTEL, LOCATED AT 638 MADISON AVENUE, COVINGTON, KENTUCKY, AND AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENT NECESSARY TO EFFECTUATE THE AGREEMENT.** *In June 2012 the City received a proposal from Aparium Hotel Group for redevelopment of the current City Hall location into an independently operated boutique hotel with 107 rooms, creating 125 full-time jobs. In July, the Salyers Group, Aparium Hotel Group and the City entered into an agreed and accepted upon letter of intent for the development of the hotel, generally setting the parameters of the development plan. Financing for the project will be from a multitude of potential sources, including New Market Tax Credits, Historic Tax Credits, traditional bank financing, industrial revenue bonds, and tax increment financing.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve the Order/Resolution

17. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN AGREEMENT WITH THE SALYERS GROUP, INC, AND ITS SUBSIDIARIES**

FOR REPAYMENT OF CERTAIN DEBTS. *The subsidiaries of the Salyers Group have two loans with the city on properties located at 630-632 Madison Avenue, 601 Madison Avenue, and 18-26 Pike Street. The order/resolution would allow a structured repayment plan under terms and conditions agreed upon by both parties.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve the Order/Resolution

18. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION ACCEPTING THE BID OF RAINBOW ENVIRONMENTAL TO PERFORM ASBESTOS INSPECTIONS ON THE PRIVATE AND CITY-OWNED PROPERTIES SCHEDULED FOR DEMOLITION, AS THE BEST RESPONSIBLE BID AND REJECTING ALL OTHER BIDS, IN AN AMOUNT OF \$15,565.00, PAYABLE FROM CAPITAL IMPROVEMENT FUND.** *The City plans to demolish 52 blighted structures that are no longer salvageable. For projects of this size, asbestos inspection and abatement is required to meet environmental standards before demolition can be approved. The City advertised for bids and received four of which Rainbow Environmental submitted the lowest responsible bid.*

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution accepting the bid of Rainbow Environmental.

19. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION ACCEPTING THE BID OF JP EXCAVATION FOR DEMOLITION OF 22 CITY-OWNED PROPERTIES AS THE BEST RESPONSIBLE BID, AND REJECTING ALL OTHER BIDS, IN AN AMOUNT OF \$124,700, PAYABLE FROM CDBG FUNDS.** *The City advertised for bids to demolish 22 City-owned properties that are no longer salvageable. Four bids were received and JP Excavation submitted the lowest bid.*

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution accepting the bid of JP Excavation.

20. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION ACCEPTING THE BID OF JP EXCAVATION FOR DEMOLITION OF 30 PRIVATELY OWNED PROPERTIES AS THE BEST RESPONSIBLE BID, AND REJECTING ALL OTHER BIDS, IN AN AMOUNT OF \$219,200, PAYABLE FROM GENERAL FUND.** *The City advertised for bids to demolish 30 privately owned properties that are no longer salvageable. Five bids were received and JP Excavation submitted the lowest bid. After the work has been completed, a lien in the amount of the cost of the demolition will be placed on the properties.*

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution accepting the bid of JP Excavation.

21. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING SUBSTANTIAL AMENDMENT #1 TO THE CITY OF COVINGTON'S AND THE NORTHERN KENTUCKY HOME CONSORTIUM'S ANNUAL ACTION PLAN FOR THE PROGRAM YEAR BEGINNING JULY 1, 2012, TO ALLOW FOR THE REPROGRAMMING OF CERTAIN CDBG FUNDS.**

Substantial amendments to the Action Plan require a public period to allow for citizens to provide input on the changes. The public comment period ended on December 11, 2012 and to date, no comments have been received. The reprogramming of the CDBG dollars will allow for the demolition of vacant, deteriorated City-owned buildings as well as accommodating departmental restructuring recently put in place.

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve the Order/Resolution

21. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION DECLARING THE REAL PROPERTY LOCATED AT 319 ORCHARD STREET AS SURPLUS PROPERTY UPON ITS ACQUISITION AND AUTHORIZING THE SALE OF THE PROPERTY TO THE CENTER FOR GREAT NEIGHBORHOODS OF COVINGTON, INC. (CGN) FOR \$1.00 AND OTHER GOOD AND VALUABLE CONSIDERATION PURSUANT TO KRS 82.083.**

The City has been working to obtain title to the property located at 319 Orchard Street as part of a larger redevelopment of Jackson Square. In June 2012, staff was authorized to obtain title to the property in exchange for the forgiveness of taxes owed by the property owner. This sale is now nearly complete and the transfer to CGN will be for the purposes of economic development and is contingent upon the City obtaining the title to the property.

22. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE APPOINTMENT OF NATALIE BOWERS AS MARKETING AND COMMUNICATIONS DIRECTOR IN THE DEVELOPMENT DEPARTMENT, EFFECTIVE DECEMBER 19, 2012.** *As part of the departmental reorganization for the Department of Development, approval was given for the hiring of a Marketing and Communications Director. Staff received 134 applications for this position and after interviews of several highly qualified individuals, it was a unanimous decision to recommend the hiring of Ms. Bowers. She is an existing employee with the City and has proved to be the most uniquely qualified person. Ms. Bowers has a wide and varied background in business, finance, and communication. She holds an MBA and has*

ten plus years of broad-based marketing communications and process management consultancy experience in both private and public section industries.

23. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF JESSICA ELEY AS A GIS SPECIALIST/PROJECT MANAGER IN THE COMMUNITY SERVICES DIVISION OF THE DEVELOPMENT DEPARTMENT, EFFECTIVE JANUARY 2, 2013.** *Of the 42 applications we received for this position, Ms. Eley proved to be the best candidate. She has an impressive background as a Research Associate and GIS Specialist the UC Institute of Crime Science. Ms. Eley has also spent time working with GIS and CAD at the Miami Valley Regional Planning Commission, Cincinnati Area GIS, Woolpert Engineering, and the City of Lebanon.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve the Order/Resolution

24. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF TONY WEISSMANN AS A CODE ENFORCEMENT SUPERVISOR IN THE COMMUNITY SERVICES DIVISION OF THE DEVELOPMENT DEPARTMENT, EFFECTIVE DECEMBER 19, 2012.** *Mr. Weissmann has an impressive background as a building inspector and his background will also allow him to serve as a project manager for some of the City's infrastructure projects. He has worked as a consultant to the Ohio Department of Transportation as a project manager for the renovations and construction of new homes and commercial properties, and as a senior building inspector for various municipalities in Ohio.*

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution

25. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF WAYNE BERRY, JAMES EDIGER, ROBERT HENGGE, AND KIMBERLY STRATEGIER AS A PART-TIME CODE ENFORCEMENT INSPECTORS IN THE COMMUNITY SERVICES DIVISION OF THE DEVELOPMENT DEPARTMENT.** *Of the 35 applications received for the position, these applicants were the four best. The four individuals possess different backgrounds and strengths which include construction, customer service, legal, sales, and management.*

Staff Reporting: Mike Yeager, Community Services Manager

Recommendation: Approve the Order/Resolution

25. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE EMPLOYMENT OF ADAM HARTKE AS BUSINESS**

DEVELOPMENT INTERN IN THE BUSINESS DEVELOPMENT DIVISION OF THE DEVELOPMENT DEPARTMENT. *After interviewing Mr. Hartke, staff feels that he will bring knowledge, experience, and energy to the Business Development Division of the Development Department. Mr. Hartke has a Bachelor of Arts in Political Science from Fordham University and is currently enrolled at the University of Cincinnati in the Master's of Community Planning program. This position is part-time at an hourly rate of \$12.00.*

Staff Reporting: Larisa Sims, Assistant City Manager for Development

Recommendation: Approve the Order/Resolution

26. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE STEP-IN-GRADE INCREASE FOR DETECTIVE DEREK UHL FROM POLICE OFFICER GRADE IV TO POLICE OFFICER GRADE V, A PAY INCREASE OF 11.307%, EFFECTIVE DECEMBER 9, 2012.** *Yearly step-in-grade increases are a contractual requirement.*

Staff Reporting: Spike Jones, Chief of Police

Recommendation: Approve the Order/Resolution

27. Consider Order/Resolution No. O/R-xxx-12 entitled: **AN ORDER/RESOLUTION APPROVING THE REAPPOINTMENT OF ELZIE BARKER TO THE COVINGTON BOARD OF ADJUSTMENT FOR A FOUR-YEAR TERM, EFFECTIVE JANUARY 1, 2013, THROUGH DECEMBER 31, 2016.** *Mr. Barker has been an outstanding and committed member of the Board of Adjustment whose continued service greatly benefits the Board and the City.*

Staff Reporting: Larry Klein, City Manager

Recommendation: Approve the Order/Resolution

PUBLIC COMMENTS

COMMISSIONERS' COMMENTS

CITY MANAGER'S COMMENTS

CITY SOLICITOR'S COMMENTS

MAYOR'S COMMENTS

ADJOURNMENT